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EXAMINER

WEST, JEFFREY R

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2857

DATE MAILED: 03/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/776,364	Applicant(s) KRAFFT, MARK J.	
	Examiner Jeffrey R. West	Art Unit 2857	<i>AW</i>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14, 17-21 and 23-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14, 17-21 and 23-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 5, and 6-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,581,052 to Slutz in view of U.S. Patent No. 5,517,892 to Fujimori.

Slutz discloses a test generator for database management systems comprising performing a first test with a first test system, performing a second test with a second test system, using test modules (column 4, lines 17-40), in each of the first and second test systems identifying a file name of a data/configuration file to use in each of the first and second tests, and using the data/configuration file in performing the respective one of the first and second tests (column 5, lines 31-55). Slutz discloses performing a plurality of tests in a plurality of systems using the file wherein the tests are performed on a database (column 4, lines 59-65). Slutz discloses performing the test on the database coupled over a network through an interface (column 3, line 66 to column 4, line 4 and Figure 2) and also discloses using SQL query statements to join two separate parameters (column 14, lines 25-59).

As noted above, Slutz teaches many of the features of the claimed invention, and while the invention of Slutz does teach including a user-defined parameter in the

configuration file specifically indicating the database to be tested (column 5, lines 33-37), Slutz does not teach combining two strings/parameters to form a filename of the configuration file.

Fujimori teaches an electronic musical instrument having memory for storing tone waveforms and its file name including a control unit and associated routines (column 4, lines 6-15 and column 5, line 13) for receiving a string of characters indicating part of a filename (column 5, lines 49-59), which are manually inputted by a user (column 6, lines 15-19). Fujimori also teaches executing a routine for combining the first string of characters with a second string of characters, formed by a software module, to form a file name (column 7, lines 39-50).

It would have been obvious to one having ordinary skill in the art to modify the invention of Slutz to include combining two strings/parameters to form a filename of the configuration file, as taught by Fujimori, and further specifying that one of the parameters indicate the name of the database under test because Slutz already teaches forming a configuration file specific to a particular database under test. Therefore, by combining the name of the database under test with a second common parameter indicating the file to be a configuration file, in the test systems, the combination would have provided a file easily discernable as relating to a specific database as well as indicated what type of file it is. This combination would have provided an easy method for finding a specific configuration file desired and increased the speed of finding the file by eliminating the need to implement the time-consuming process of reading the data included in the filename and instead allowed

the unit to search only the filenames themselves. Fujimori further supports this reasoning by indicating that the specific file name forming method would provide indication as to the content of the file just by reading the file name itself making it easier to search for a desired file (column 2, lines 5-10 and 22-26) and reduce the chance of overwriting a generic file by producing files specific for an intended purpose (column 1, line 66 to column 2, line 5).

3. Claims 3, 4, 14, 17-19, 23, 24, and 27-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slutz in view of Fujimori and further in view of U.S. Patent No. 6,513,047 to Talley.

As noted above, the invention of Slutz and Fujimori teaches many of the features of the claimed invention and while the combination does suggest searching for a desired file name (Fujimori, column 2, lines 5-10) the combination does not specifically disclose searching for the data file in storage for use in testing a database.

Talley teaches the management of user-definable databases comprising a user-interface for accessing a plurality of configuration files stored remotely containing descriptions of the contents of each of a plurality of databases desired (column 1, line 51 to column 2, line 4 and column 4, lines 11-15), wherein the configuration file contains the name of the specific database (column 4, lines 16-22). Talley teaches connecting the user-interface to the database desired through a network (column 3, lines 16-46) and using a corresponding processor and software routine (column 3,

lines 47-55) for searching a predetermined storage locations and directories for finding and retrieving the configuration file (column 6, lines 17-39). Talley also teaches connecting the user interface, databases, and remote computers over a network (column 3, lines 12-15).

It would have been obvious to one having ordinary skill in the art to modify the invention of Slutz and Fujimori to include searching for the data file in storage for use in testing a database, as taught by Talley, because the combination of Slutz and Fujimori teaches forming a file that is easily searchable (Fujimori, column 2, lines 5-10) as well as reading in a specific configuration file for use in a database test (Slutz, column 5, lines 31-33), but doesn't specifically provide the method for reading in this configuration file. Therefore, the combination would have provided a method for reading in this file that allows specific information pertaining to each database desired while allowing access by a plurality of users (column 2, lines 5-16 and column 7, lines 25-31).

4. Claims 20, 21, 25, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slutz in view of Fujimori and Talley and further in view of U.S. Patent No. 5,848,410 to Walls et al.

As noted above, Slutz in combination with Fujimori and Talley teaches many of the features of the claimed invention including forming a filename based on inputs from a module and/or a user, but does not specifically teach including a default name if a value is not received from the module or user.

Walls teaches a system and method for comprehensively and continuously indexing information stored in one or more sources of information such as a database (column 3, lines 48-50) comprising a file-system identifier that identifies the file system from which an index will be built and analyzes the files of the selected file system to determine information can be extracted from the files (column 11, lines 21-29). Walls also teaches that if a user does not select a file system name when prompted, the file-system definer, part of the file system identifier, provides a default file system name (column 11, lines 50-52).

It would have been obvious to one having ordinary skill in the art to modify the invention of Slutz, Fujimori, and Talley include using a default name if a value is not received from the module or user, as taught by Walls, because the combination would have prevented an interruption in the process if the user fails to respond, as is well known in the art, and, as suggested by Walls, allowed the process to continue by using a value most recently or most frequently selected by the user and therefore using a value that would have been most likely to have been selected by the user if the user were present (column 11, lines 50-55).

5. Claims 1-14, 17-19, 23-24, and 27-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,393,435 to Gartner et al. in view of U.S. Patent No. 5,857,192 to Fitting.

Gartner discloses a method and means for testing the performance of a database system by referencing files external to the database system using multiple

file systems wherein the test files are created in the file systems and a control table in the database management system controls access to the test files (column 2, lines 51-59). Gartner discloses implementing the method by receiving requests from a user via an application programming interface (column 4, lines 30-39) wherein the user supplies a first value, relating to the filename, and a second value, relating to the name of the server/database system under test, (column 5, lines 41-54) over a network using searching and management control units and software routines (column 5, lines 19-29). Gartner then discloses searching the corresponding database and returning query results including the server/database and filename references which are then used to identify the relevant data file (column 6, lines 16-26). Gartner also discloses that the system is applicable for a plurality of users accessing the system files for multiple tests concurrently (column 3, lines 1-2 and column 4, lines 21-23 and 54-59) and therefore teaches that described method can be performed at different test systems to execute the tests using the same data files.

As noted above, Gartner teaches many of the features of the claimed invention including searching and obtaining data files based on specific filename parameters but does not specifically disclose combining first and second parameters to form a filename.

Fitting discloses a quality control system of a manufacturing system comprising a plurality of test systems, each test system including a controller that configures the test equipment according to one of a plurality of routines so that the test systems are able to executive a plurality of different tests (column 5, lines 15-23). Fitting

discloses that the test systems send a request, through a communication interface employing an Ethernet network (column 3, lines 4-10), to a storage database, containing a plurality of files, for retrieval of a test file to be used by the test controller, which is part of a test module (Figure 1) executed in performing the corresponding test (column 5, lines 15-19). Fitting discloses that the test system provides first and second parameters, the first parameter being a predetermined string value and the second parameter being a value indicating the data type of the requested file, to a test controller that performs a routine combining the two parameters to form a filename which is sent to the database (column 4, lines 20-39). Fitting then discloses searching the database for a test filename containing the string value and a value corresponding to the second file-type parameter (column 4, lines 53-64).

Further, Fitting describes the entire process of the invention according to the execution of one test system, and therefore does not specifically disclose performing different tests with the different systems using the associated file, however, since Fitting does disclose the invention for sharing files between a plurality of test systems, each able to execute a plurality of different tests (column 5, lines 15-23), Fitting does suggest the execution of different tests, by different test systems, using the same shared file directory and therefore the same aforementioned process would be carried out using each of the subsequent test systems.

Also, although Fitting doesn't specifically disclose that the controller contain a storage medium with instructions executed on it, since the controller of Fitting does

execute a plurality of steps to combine the two parameters into a filename, it is considered inherent that the controller must contain some type of program instructing the execution of the combining routine.

It would have been obvious to one having ordinary skill in the art to modify the invention of Gartner to include combining first and second parameters to form a filename, as taught by Fitting, because the invention of Gartner does teach that the first and second parameters are used in combination with each other to specify a location, therefore combining the first and second parameters into one string/filename would have provided a functionally equivalent method for indicating a specific file and location. Further, Fitting suggests that the combination would have increased the speed of the search query, to be substantially real-time, by providing descriptive filenames and therefore eliminating the need for the searching unit to implement the time-consuming process of reading the data included in the filename and instead allowed the unit to search only the filenames themselves (column 1, lines 54-59).

6. Claims 20, 21, 25, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gartner in view of Fitting and further in view of U.S. Patent No. 5,848,410 to Walls et al.

As noted above, the invention of Gartner and Fitting teaches many of the features of the claimed invention including forming a filename based on inputs from

a test module or a user, but does not teach including a default name if a value is not received from the test module or user.

Walls teaches a system and method for comprehensively and continuously indexing information stored in one or more sources of information such as a database (column 3, lines 48-50) comprising a file-system identifier that identifies the file system from which an index will be built and analyzes the files of the selected file system to determine information can be extracted from the files (column 11, lines 21-29). Walls also teaches that if a user does not select a file system name when prompted, the file-system definer, part of the file system identifier, provides a default file system name (column 11, lines 50-52).

It would have been obvious to one having ordinary skill in the art to modify the invention of Gartner and Fitting to include using a default name if a value is not received from the test module or user, as taught by Walls, because the combination would have prevented an interruption in the process if the user fails to respond, as is well known in the art, and, as suggested by Walls, allowed the process to continue by using a value most recently or most frequently selected by the user and therefore using a value that would have been most likely to have been selected by the user if the user were present (column 11, lines 50-55).

Response to Arguments

7. Applicant's arguments filed January 20, 2004, have been fully considered but they are not persuasive.

Applicant argues that Slutz “fails to disclose the following element of claim 1: the first and second test systems using *the first* data file in performing the respective first and second tests. . . What is performed in Slutz is that a test program that runs in each PC client 120 (see Figure 1 of Slutz) reads a configuration file that contains a set or parameters for a test procedure. Slutz, 5:31-33. As discussed by Slutz, each PC client 120 may execute a test program. Slutz, 4:21-34. Thus, the configuration file accessed by each test program 300 is a local configuration file stored in a respective PC client 120. Therefore, in Slutz, the test programs in respective PC clients 120 do not use the *same* data file in performing respective first and second tests, but rather, accesses local configuration files on respective PC clients 120.”

The Examiner asserts that just because each PC client may execute a test program does not mean that the test program and configuration file are stored local to the respective PC client. Slutz specifically discloses that the testing processes executed by the PC “reads in” a configuration file containing test data (column 5, lines 32-33) and further specifies that the test data is stored remote from each PC client allowing the test data to be downloaded to and executed at one or more clients (i.e. shared between) (column 4, lines 11-20). These passages indicate that the configuration file is stored remotely for use by each of the plurality of PC clients and therefore the first data file is used in performing respective first and second tests.

Applicant then argues that “the reliance of Fujimori as suggesting a modification of Slutz to achieve the claimed invention is also misplaced. Fujimori relates to an

electronic musical instrument having a memory for storing musical tone information containing waveform data and assigning a file name to the file that stores the waveform data. . . Applicant notes that Fujimori has nothing to do with identifying a file name of a data file to use in first and second tests based on plural parameters. All Fujimori would have suggested to a person of ordinary skill is a technique for assigning a file name for storing musical tone information. Such a person of ordinary skill in the art would not have been motivated by the teaching of Fujimori to identify a file name of a data file to use, by first and second test systems, in first and second tests based on plural parameters. Therefore, there is no motivation or suggestion to combine the teachings of Slutz and Fujimori in the manner proposed by the Office Action.

The Examiner maintains that the inventions of Slutz and Fujimori are properly combined since Slutz does teach including a user-defined parameter in the configuration file specifically indicating the database to be tested (column 5, lines 33-37), and combining the filename forming method of Fujimori would have provided an easy method for finding a specific configuration file desired and increased the speed of finding the file by eliminating the need to implement the time-consuming process of reading the data included in the filename and instead allowed the unit to search only the filenames themselves. This combination is further suggested by Fujimori by indicating that the specific file name forming method would provide indication as to the content of the file just by reading the file name itself making it easier to search for a desired file (column 2, lines 5-10 and 22-26) and reduce the chance of

overwriting a generic file by producing files specific for an intended purpose (column 1, line 66 to column 2, line 5).

Since the inventions of Slutz and Fujimori are both reasonably pertinent to the particular problem of filename searching and management in addition to the previously presented motivation, the combination is proper.

Applicant presents a similar argument with respect to claim 6 suggesting that “there is no motivation to combine Slutz and Fujimori to combine first and second values to generate a file name of a test file to use in a test” and, with respect to claim 12, “Slutz also fails to teach or suggest performing a second test in a second system using *the* test file. As discussed above, Slutz refers to reading configuration files of respective PC clients in performing its test. Thus, in Slutz, two systems do not perform a test using the same test file as recited in claim 12.”

As noted above, motivation does exist to make the combination of Slutz and Fujimori and further the invention of Slutz teaches reading in configuration files stored on a medium shared between a plurality of PC clients.

Applicant then notes that, with respect to claim 14, “the Office Action stated that the combination of Slutz and Fujimori ‘does not specifically disclose searching for the data file in storage for use in testing a database.’ Applicant respectfully notes that claim 14 does not actually recite such language. Thus it is unclear to Applicant how the combination of Slutz, Fujimori, and Talley is applied to claim 14. However,

Applicant believes that the Office Action is conceding that the combination of Slutz and Fujimori fails to disclose a routine to identify a file name of a data file based on a string formed from the combination of received first and second parameters.”

The Examiner asserts that Office Action was not conceding that the combination of Slutz and Fujimori fails to disclose a routine to identify a file name of a data file but instead because the combination of Slutz and Fujimori teaches forming a file that is easily searchable (Fujimori, column 2, lines 5-10) as well as reading in a specific configuration file for use in a database test (Slutz, column 5, lines 31-33), the addition of the teachings of Talley would have provided a specific method for reading in this configuration file and a routine to that allows specific information pertaining to each database desired while allowing access by a plurality of users (column 2, lines 5-16 and column 7, lines 25-31).

Applicant then argues that “Talley does not teach or suggest a routine to identify a file name of a data file based on a string that is formed from the combination of received first and second parameters” and “there is no motivation or suggestion to combine the teachings of Slutz, Fujimori, and Talley. As noted above, Fujimori is directed to a teaching that is completely unrelated to forming a string from plural parameters to identify a file name of a data file to use in a test. Talley also does not provide any teaching or suggestion of combining parameters to form a string for the purpose of identifying a file name of a data file to use in a test. Therefore, there is no motivation or suggestion to combine the teachings of Slutz, Fujimori, and Talley.”

Also, with respect to claim 23, Applicant argues that “[c]ontrary to the assertion in the Office Action, Talley does not disclose searching a predetermined directory on a device to find a test file containing a string that is concatenated from received first and second parameters.”

Similarly, with respect to claims 27 and 28, Applicant argues that “[c]ontrary to the assertion in the Office Action, Talley fails to disclose or suggest a routine executable to search a directory to find a file name of one of data files that contains a string concatenated from first and second parameters to use for a test” and “there is no teaching or suggestion in Talley of searching a predetermined directory on a device to find a test file containing a string that is concatenated from a common parameter.”

The Examiner asserts that the invention of Talley is not included to teach combining parameters to form a string for identifying a file name of a data file since this feature is already taught by the combination of Slutz and Fujimori. The Examiner also asserts that these arguments cannot show nonobviousness by attacking references individually when the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

With respect to the rejection under the combination of Gartner and Fitting, Applicant argues that “the Office Action states that the plurality of users and plurality of applications for testing the database are considered to be the first and second test

Applicant then argues, with respect to claim 6, that "Gartner also does not disclose or suggest receiving a second value representing a database to perform a test on" and the Examiner has incorrectly "stated that the external file references are the databases being tested. 10/15/2003 Office Action at 12-13. This statement contradicts the teaching of Gartner itself, which shows the database system being tested as DBMS 15. The external file reference refers to test files—they are not the databases being tested."

The Examiner maintains that in the invention of Gartner, the DBMS is tested by testing the external file references themselves. Gartner specifically discloses the testing of the external file references, stating, "the invention enables external file references to be randomly tested in a controlled manner" (column 2, lines 39-40).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,681,351 to Kittross et al. teaches easy to program automatic test equipment.

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. West whose telephone number is (703)308-1309. The examiner can normally be reached on Monday through Friday, 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S. Hoff can be reached on (703)308-1677. The fax phone numbers for the organization where this application or proceeding is assigned are (703)308-7382 for regular communications and (703)308-7382 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.


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jrw

March 1, 2004


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